THE PRESIDENCY SMALL CAUSE COURTS (BOMBAY AMENDMENT) ACT 1948.

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BOMBAY ACT No. XLIV OF 1948.[1]

[THE PRESIDENCY SMALL CAUSE COURTS (BOMBAY AMENDMENT) ACT, 1948.]

[*18th May 1948.*]

An Act to amend the Presidency Small Cause Courts Act, 1882, in its application to the Province of Bombay.

XV of 1882. WHEREAS it is expedient to amend the Presidency Small Cause Courts Act, 1882, in its application to the Province of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Presidency Small Cause Courts (Bombay Amendment) Act, 1948.

(*2*) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 21 of Act XV of 1882.

XV of 1882. 2. In section 21 of the Presidency Small Cause Courts Act, 1882 (hereinafter called "the said Act"),—

(*a*) the words "and all suits whereof the amount or value of the subject-matter exceeds one thousand rupees" shall be deleted; and

(*b*) for the words "High Court" the words "Bombay City Civil Court" shall be substituted.

Substitution of new section for section 22 of Act XV of 1882.

3. For section 22 of the said Act, the following shall be substituted, namely :—

Costs when plaintiff sues in High Court or in Bombay City Civil Court in other cases cognisable by Small Cause Court.

"22. If in any suit instituted in the High Court or in the Bombay City Civil Court, other than a suit to which section 21 applies, the Judge who tries it is of the opinion that it ought to have been instituted in the Small Cause Court and if in such suit—

(*a*) where it is instituted in the High Court, the plaintiff does not obtain a decree, the defendant shall be entitled to his costs as between attorney and client; or

(*b*) where it is instituted in the Bombay City Civil Court, the plaintiff does not obtain a decree, the defendant shall be entitled to his costs and may also be awarded such additional amount not exceeding one thousand rupees by way of compensation as the Judge may award; or

(*c*) where it is instituted in the High Court or in the Bombay City Civil Court, the plaintiff obtains a decree for any matter of an amount or value less than two thousand rupees, no costs shall be allowed to the plaintiff."

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1948, Part V, page 177.

Amendment of section 31 of Act XV of 1882.

4. In section 31 of the said Act,—

(*a*) after the words "Madras City Civil Court or" the words, "the Bombay City Civil Court or" shall be inserted; and

(*b*) the words "or Bombay" shall be deleted.

Deletion of sections 39 and 40 of Act XV of 1882.

5. Sections 39 and 40 of the said Act shall be deleted.

Amendment of section 47 of Act XV of 1882.

6. In section 47 of the said Act, after the words "High Court" the words "or the Bombay City Civil Court" shall be inserted.

Amendment of section 49 of Act XV of 1882.

7. In section 49 of the said Act, for the words "High Court" the words "Bombay City Civil Court or the High Court, as the case may be," shall be substituted.

Amendment of section 61 of Act XV of 1882.

8. In section 61 of the said Act, after the words "High Court" at both the places where they occur the words "or the Bombay City Civil Court" shall be inserted.

Amendment of section 63 of Act XV of 1882.

9. In the marginal note to section 63 and in the said section 63 of the said Act, for the words "one thousand" the words "two thousand" shall be substituted.